

Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 8/25/2015 4:39:19 PM
To: Otis, Andrew D. [aotis@curtis.com]
CC: Cirian, Mike [Cirian.Mike@epa.gov]; Wilder, Scott [Wilder.Scott@epa.gov]
Subject: RE: Anaconda-Revised Redline AOC

Mr. Otis:

Thank you for circulating the proposed language in advance of our conference call. I look forward to speaking with you this afternoon.

Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Tuesday, August 25, 2015 10:28 AM
To: Chalfant, Mark
Cc: Cirian, Mike; Wilder, Scott
Subject: RE: Anaconda-Revised Redline AOC

Mark,

We are looking forward to having our call with you and the other EPA representatives at 3:00 p.m. ET today. I wanted to send you proposed language regarding two provisions on your August 12, 2015 mark up of the AOC for discussion during our call at 3:00 p.m. ET today.

1. With respect to paragraph 42.b, it was up to CFAC to propose language for this provision. CFAC proposes the following language:

42.b: In the event of unanticipated Site conditions or changed circumstances ~~at the Site that could materially change the scope or schedule of the RI/FS work plan~~, the Respondent shall notify the EPA RPM by telephone within 24 hours of the discovery of the unanticipated Site conditions or changed circumstances and in writing within 7 days. The EPA may determine that changes to the RI/FS Work Plan are necessary because of the unanticipated Site conditions or changed circumstances. ~~In the event that EPA determines that the unanticipated or changed circumstances warrant changes in the SOW and/or any SAP, EPA shall modify or amend the SOW and/or SAPs in writing accordingly. The Respondent shall perform the SOW as modified or amended.~~

2. With respect to Paragraph 45(b) CFAC proposes the following language:

45 . . . (b) include or make available by reference to a web-available data site, all validated results of sampling and tests and all other data received by Respondent." With the following clarification: "all other data" referred to in later part of the sentence is not intended to include sampling and test results that are not yet validated.

We look forward to discussing this language and other AOC issues with you during our call later today.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Monday, August 24, 2015 2:32 PM
To: Otis, Andrew D.

Cc: Cirian, Mike; Wilder, Scott
Subject: RE: Anaconda-Revised Redline AOC

Mr. Otis:

That sounds like a good plan. We'll plan on one hour for our follow-up discussion. Please let me know if you have a different view after meeting with your team this afternoon. Thanks, Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]
Sent: Monday, August 24, 2015 9:55 AM
To: Chalfant, Mark
Cc: Cirian, Mike; Wilder, Scott
Subject: RE: Anaconda-Revised Redline AOC

Dear Mark,

Thanks for your good wishes. I want to confirm the follow up meeting tomorrow. I am going over your draft of the AOC with my team today. I believe that the one hour time frame should be sufficient but will have a better sense after our call. Why don't we schedule it for one hour unless you hear from me later today.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Monday, August 24, 2015 11:53 AM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott
Subject: RE: Anaconda-Revised Redline AOC

Mr. Otis:

I hope you enjoyed your time off. I wanted to confirm our conference call for tomorrow at 3PM EDT. Do you think one hour will be sufficient now that you have had an opportunity to review the revised redline version, or do you think will need additional time? Mike and I have flexibility if the meeting runs longer than we currently have scheduled.

If you have a chance before tomorrow, it would be helpful if you would send us your proposed language with respect to paragraph 42.b.

I look forward to speaking with you tomorrow.

Mark

From: Chalfant, Mark
Sent: Wednesday, August 12, 2015 5:00 PM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott
Subject: Anaconda-Revised Redline AOC

Mr. Otis:

Thank you again for meeting with EPA on August 5, 2015, to discuss the proposed Administrative Settlement Agreement and RI/FS Work Plan. We appreciated the site overview provided by CFAC's consultant, the site tour, and the opportunity to discuss the proposed Administrative Settlement Agreement.

Attached please find EPA's revised redline version of the draft Administrative Settlement Agreement. I have attempted to capture in bubble comments the items that needed further consideration by the parties as well as EPA's updated positions on a number of outstanding issues. I checked with Headquarters, and was informed that there is no new publicly available model AOC for RI/FS which I can share with you at this time. Headquarters expects to release a new model later this year.

I look forward to speaking with you on August 25th. If you have any questions about the attached revised redline version in the meantime, please do not hesitate to contact me before our August 25th call.

I hope you enjoy the rest of your week off.

-Mark

Mark A.R. Chalfant

Attorney

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